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To: Microsoft ATR
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Subject: Microsoft Anti-Trust Settlement

This settlement is bad and will do nothing to alter microsofts behaviour and does nothing to make restitution for their previous unlawful conduct. The main problems as I see it are :

- 1) the term is too short - given that most of the restrictions come into play at some future date (the release of windows xp service pack 1) the restrictions will likely only be in place for 3 - 4 years.
- 2) The document is riddled with vagueness and get out clauses. Where microsoft is required to describe the ways its software and communications protocols work it is also allowed to withhold any information which could compromise security. It is easy to argue that any knowledge of how a network protocol works could compromise security and sidestep this whole provision.
- 3) All previous illegal conduct is essentially excused as long as they stick to the terms of this agreement- this seems very wrong - essentially corporate probation with no real punishment at all.
- 4) Microsoft has a history of flagrant non-compliance with such consent decrees - this whole case started because of their refusal to comply with the previous settlement.

The talk of the government seeking criminal penalties and civil fines should microsoft not comply with this agreement gives me little comfort - what criminal penalties where imposed for breaking of previous agreements ?

As a minimum any acceptable settlement must include an element of punishment of both the company and its board of directors for operating in an illegal manner.

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(these are my opinions not my employer's)

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